

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) No. 3:08-CR-47
) (PHILLIPS/GUYTON)
FRANK SOUTO,)
)
)
Defendant.)

O R D E R

This matter came before the undersigned for a competency hearing on October 9, 2008, following the Court's order [Doc. 23] that the defendant's competency to stand trial be evaluated. Assistant United States Attorney Tracee Plowell appeared as counsel for the government, and Attorney Leslie Jeffress appeared on behalf of the defendant, who was also present. The government requested that the ten (10) page Forensic Evaluation prepared by Manuel E. Gutierrez, Psy.D., Forensic Psychologist, be filed under seal as an exhibit to the hearing. Both parties relied upon this report as the only evidence before the Court regarding the defendant's competency. Defense counsel expressed his concern about the validity of the competency finding in the report because the defendant had refused to cooperate with the examiners at times and had not completed the MMPI test. The government argued that the defendant had complied with some of the testing and that the report reveals that he is legally competent.

Based upon the information contained in the report and the arguments of counsel, the Court finds that Defendant Souto is mentally competent and that he is able to understand the nature and

consequences of the charges and proceedings against him and to assist properly in the defense of the charges brought against him in this case. The Court finds that he is competent to proceed.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge